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)Charge No: 1989CF3347
)EEOC No: 21B891925
)ALS No: 10588
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DISCUSSION

The recommendation at #5 of the RLD recommended Respondent pay to Complainant reasonable attorney's fees and costs to be determined after the filing of a motion and affidavit within 21 days after service of the RLD.

The Commission Rules at Section 5300.20 provide that receipt by mail is deemed to have occurred on the fourth day after mailing. If the last day of such period shall fall on a Saturday, Sunday or legal State holiday, such time period shall continue to run until the end of the next day which is not a Saturday, Sunday or legal State holiday.

The record indicates a certificate of service of the RLD on the Parties dated December 2, 2003; therefore, receipt of service is deemed to have occurred December 8, 2003, excluding the intervening Saturday and Sunday. Complainant's attorney's fee petition was due 21 days later, on December 29, 2003. The record indicates no such petition nor motion for an extension of time to file such petition has been filed. Thus, Complainant has waived any request for attorney's fees and costs.

RECOMMENDATION

Based on the foregoing, it is recommended that the Commission order that:

1. All Parties receive all recommendations in #1 through #4 in the RLD.

HUMAN RIGHTS COMMISSION

By: _____
SABRINA M. PATCH
Administrative Law Judge
Administrative Law Section

ENTERED: January 22, 2004